IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 291 OF 2006

Ms.Alka D/o Hari Sarate .. Petitioner

versus

Mrs.Suman Shivanand Chandra

Shekhar and others .. Respondents

...

Mr.D.W. Bhosale for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 30th August 2006.

P.C.:

1. This Contempt Petition is filed alleging that the respondent no.1 has committed breach of the order of status quo passed by this Court on 1st March 2006 in Writ Petition no.1315 of 2006.

2. The petitioner is working as an Assistant Teacher under respondent no.1. A dispute was raised by

her before the School Tribunal regarding the termination of her service. The School Tribunal ordered reinstatement. The management challenged the said decision by filing of a Writ Petition. In the said Writ petition, a statement was made that the respondent no.1 therein i.e. petitioner herein was working on some other post in said institution. In view of the statement, the Court adjourned the matter for hearing on admission but ordered parties to maintain status quo in the mean while.

3. On 29th March 2006, respondent no.1 wrote a letter to the Dy. Director of Education for grant of approval for cancelling his order rejecting the approval to the appointment of Sanjay Ramchandra Kharatmal. By the said letter, management also prayed for payment of salary to Sanjay Ramchandra Kharatmal. According to the petitioner, writing of this letter on 29th March 2006 amounts to breach of the order of status quo and thereby the respondent no.1 has committed contempt of the court.

4. I fail to see how writing of the letter for grant of approval to the appointment of Sanjay Ramchandra Kharatmal would amount to breach of the

order of status quo granted by the Court. The order of status quo must be read in the context in which it was made and in the context of the dispute before it. The dispute before the court in Writ Petition no.1315 of 2006 was relating to the termination of service of the petitioner and was not relating to the appointment of Sanjay R. Kharatmal and/or payment of the salary to him. The order of status quo passed therefore can not mean as an embargo on the management to carry out any routine activities like appointment of other teachers or seeking approval for their appointment.

5. No prima facie case for taking action for contempt is made out. Contempt Petition is dismissed summarily.

D.G. KARNIK, J)